

**Local Agency Formation Commission
Of Modoc County
Regular Meeting**

Minutes of June 10, 2008

1. Call to Order:

Chairman Dunn called the meeting to order at 5:05 pm. in the City Council Chambers, Alturas City Hall. Commissioners Schreiber, Nelson, Dunn, Neer and Macsay were present.

Absent: Commissioner Dederick

Staff present: John Benoit, Executive Officer

Pledge of Allegiance

2. Approval of Agenda:

Commissioner Macsay made the motion to approve the agenda as submitted; seconded by Commissioner Neer. All in favor: Commissioners Schreiber, Neer Nelson, Dunn and Macsay.

3. Correspondence:

None

4. Approval of Minutes:

Upon motion by Commissioner Macsay and seconded by Commissioner Dunn to approve the minutes of April 24, 2008 changing the spelling of Commissioner Dederick's name. The minutes were approved by a unanimous vote.

5. Public Comment: Members of the public may address the Commission on matters under its jurisdiction that are not on the agenda. The Commission may limit the public comment to three minutes. The Commission may not render any decisions other than those items that are contained on the agenda; the public may request an item to be place on a subsequent agenda.

None

6. Selection of Public Member Alternate to replace Rod Cameron for an unexpired term ending in May 2009.

Jerry Shea was appointed at the public member alternate to a term ending in May 2012. Commissioner John Schreiber moved and it was seconded by Commissioner Nelson. Marie Neer did not participate in the discussion or vote of this item.

7. Public Hearing regarding the Final FY 2008-2009 Budget.

John Benoit presented the Executive Officer's report and reviewed the budget categories for FY 2008-2009. The public hearing was opened and closed with discussion regarding travel expenses and any interest in a Commissioner to attend the Calafco Conference. There were no changes from the proposed budget approved at the April 24th special LAFCO meeting. Commissioner Macsay moved and the motion was seconded by Commissioner Nelson to adopt Resolution 2008-0004 approving a final budget for FY 2008-2009.

8. Review and Authorize payment of claims.

Commissioner Neer made the motion to authorize payment of claims for April and May 2008; seconded by Commissioner Macsay. All in favor: Commissioners Macsay, Neer, Schreiber Dunn and Nelson.

9. Request for LAFCO Fee Waiver for Formation of Health Care District (continued).

Judy Mason and Mike Mason presented a request by the Save our Hospital Committee for a LAFCO fee waiver for a future application before LAFCO.

Discussion took place regarding the proposed fee waiver.

John Benoit presented a staff report and draft resolution in the event the Commission desired to approved the fee waiver. According to the draft resolution the fee waiver would only apply to LAFCO expenses up to \$5000.00. Questions arose regarding who would sign the indemnification form. Commissioner Dunn questioned the legal liability of LAFCO with waiving fees for the Save our Hospital Committee. A question was brought up regarding the Hospital Auxiliary money, which was intended to be used for this purpose.

Commissioner Neer moved and seconded by Commissioner Macsay to adopt resolution 2006-0005 approving the fee waiver.

Voting in favor: Commissioners Neer and Macsay

Voting in Opposition: Commissioners Nelson, Dunn and Schreiber

Motion failed.

The Commission requested legal information regarding liability.

10. Review Senate Local Government Committee and consider position regarding SB 1117 (Hot Springs Valley Irrigation District).

a. Consider position on this legislation.

The Commission wished to remain neutral on this legislation

11. Calafco Conference:

Commissioner Macsay needed to see if the date would work, No other Commissioners were interested or were able to attend.

Upon motion of Commissioner Schreiber and seconded by Commissioner Nelson, it was approved to authorize John Benoit to vote provided no other commissioner will be attending to vote on behalf of Modoc LAFCO and to authorize his attendance at the meeting and to contact Commissioner Dederick if he desired to attend.

12. Executive Officer's Monthly Report – General Discussion

John Benoit gave a legislative report of current LAFCO legislation

There will be no changes to CDFG fees since the legislation had died.

John Benoit discussed LAFCO litigation and the Calafco newsletter

John Benoit informed the Commission that the Canby CSD will be asking the Commission to reinstate its latent powers at the August 2008 meeting.

13. Commissioners Reports – Discussion

Commissioner Dunn explained his no vote on the fee waiver for the Hospital District Formation. He stated taxpayer dollars support LAFCO and there is no enough information on the district, the hospital auxiliary has money for the LAFCO application and has concerns about the liability issue.

Cheryl Nelson had a question about annexations and the Sphere of Influence for Alturas.

The next meeting will be August 12, 2008.

There being no further business to come before this Commission, the meeting was adjourned at 6:15 pm.

Respectfully submitted,

John Benoit, Executive Officer

Approved: _____
Chair, LAFCO

Attest: _____
John Benoit, Executive Officer